

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant:** James Gray  
**Serial No:** 10/611,453  
**Filing Date:** 6/30/2003  
**Confirmation No:** 1614  
**Title:** SYSTEM AND METHOD FOR ENHANCED HOT KEY FUNCTIONALITY

**Examiner:** Salce, Jason P.  
**Art Group:** 2623  
**Docket No:** ATT030073

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March 24, 2010

**APPEAL BRIEF**

1. On December 14, 2009, the applicant filed a Notice of Appeal and a Pre-Appeal Brief Request for Review. A Notice of Panel Decision from Pre-Appeal Brief Review was mailed on January 26, 2010.
2. A one month extension of time is concurrently filed herewith extending the time period for response to March 26, 2010 along with a credit card form authorizing the payment of the associated fee along with the fee for filing this Appeal Brief. This Appeal Brief is timely filed and no additional fees are due.

3. Real Party in Interest:

The present patent application is currently owned in its entirety by AT&T Intellectual Property I, LP (the Assignee).

4. Related Appeals and Interferences:

The appellant, the Assignee, and the undersigned are not aware of any related Appeals, Interferences, or judicial proceedings that would affect or have a bearing on the Board's decision in the pending appeal.

5. Status of Claims:

The present patent application includes claims 14-19, 45-50 and 76-80 which currently stand rejected. The appellant is requesting the Board of Appeals to review the rejection of claims 14-19, 45-50 and 76-80. Appellant explicitly identifies claims 14-19, 45-50 and 76-80 as the claims on appeal.

6. Status of Amendments:

There have been no amendments filed subsequent to the close of prosecution.

7. Summary of the Claimed Subject Matter:

Claim 14 claims a method that receives at a user device such as set top box/gateway 508 and televisions 509 and 510, an indicator signal from an interactive television service provider's network, as shown in steps 1000, 1100, 1200 and 1300. The indicator signal indicates availability of alternate content and contains data representing an indicator form, such as the form of icon 103, 105 or other graphic and/or text of message field 815.

As shown in steps 1005, 1105, 1205 and 1305, the method determines at the user device and independent of any request by a user of the user device for the alternate content, whether the indicator signal is relevant to user viewing original content provided by the interactive television service provider's network. The subject matter of the alternate content is different from subject matter of the original content. This determination is based at least in part on one of the following: a content type selected by the user; and a genre selected by the user. Responsive to determining that the indicator signal is not relevant to the user, the method filters the indicator signal, as indicated by the "no" branch from steps 1005, 1105, 1205 and 1305. Responsive to determining the indicator signal is relevant to the user as indicated by the "yes" branch from steps 1005, 1105, 1205 and 1305, the method displays on a screen of the user device, an indication that the indicator signal has been received as shown in steps 1010, 1110, 1210, and 1310. The indication corresponds to the data representing the indicator form. For embodiments and examples of the present invention, refer to Figure 5 and the discussion of beginning on Page 19, line 7 through Page 22, line 18 and Figures 10-13 and the discussion beginning on Page 31, line 12 through Page 42, line 2.

Claim 45 claims a user device, such as set top box/gateway 508 and televisions 509 and 510, for use in receiving content from an interactive television provider's network such as cable modem network 504. The user device includes a tuner, receiver, and demodulator portion 901 and a demultiplexor portion 902 to receive an indicator signal from an interactive television service provider's network. The indicator signal

indicates the availability and a location of alternate content and containing data representing an indicator form, such as the form of icon 103, 105 or other graphic and/or text of message field 815.

A processor, such as CPU 905, is coupled to the demultiplexor portion 902 to determine whether the indicator signal is relevant to a user viewing original content over a channel provided by the interactive television service provider's network. The subject matter of the alternate content is different from subject matter of the original content. The determination is independent of any request by the user for the alternate content and is further based at least in part on one of the following: a content type selected by the user and a genre selected by the user. Responsive to determining that the indicator signal is not relevant to the user, the indicator signal is filtered. Responsive to determining the indicator signal is relevant to the user, an indication that the indicator signal has been received is displayed on a screen of the user device such as user display device 509 or 510. The indication corresponds to the data representing the indicator form. For embodiments and examples of the present invention, refer to Figure 5 and the discussion of beginning on Page 19, line 7 through Page 22, line 18 and Figures 10-13 and the discussion beginning on Page 31, line 12 through Page 42, line 2.

Claim 76 claims a machine-readable medium, such as hard disk drive 906 or memory 907 having stored thereon a series of instructions, the instructions, when executed by a processor such as CPU 905, cause the processor to receive, at a user device such as set top box/gateway 508 and televisions 509 and 510, an indicator signal from an interactive television service provider's network. The indicator signal indicates the availability and a location of alternate content and containing data representing an indicator form, such as the form of icon 103, 105 or other graphic and/or text of message field 815.

The instructions, when executed by a processor such as CPU 905, further cause the processor to determine, at the user device such as set top box/gateway 508, whether the indicator signal is relevant to the user viewing original content provided by the

interactive television service provider's network. The subject matter of the alternate content is different from subject matter of the original content. This determination is independent of any request by a user of the user device for the alternate content and based at least in part on one of the following: a content type selected by the user and a genre selected by the user. Responsive to determining that the indicator signal is not relevant to the user, the instructions, when executed by a processor such as CPU 905, further cause the processor to filter the indicator signal. Responsive to determining the indicator signal is relevant to the user, the instructions, when executed by a processor such as CPU 905, further cause the processor to display on a screen of the user device an indication that the indicator signal has been received, the indication corresponding to the data representing the indicator form. For embodiments and examples of the present invention, refer to Figure 5 and the discussion of beginning on Page 19, line 7 through Page 22, line 18 and Figures 10-13 and the discussion beginning on Page 31, line 12 through Page 42, line 2.

8. Grounds of Rejection to be Reviewed on Appeal:

A. Claims 14-17, 19, 76-79 and 81 were rejected under 35 USC § 102 (e) as being anticipated by Blacketter (U.S. Patent No. 7,237,253).

B. Claims 45-48 and 50 were rejected under 35 USC § 103 (a) as being unpatentable over Blacketter (U.S. Patent No. 7,237,253) in view of Field (U.S. Patent No. 6,018,764).

C. Claims 18, 49 and 80 were rejected under 35 USC § 103 (a) as being unpatentable over Blacketter (U.S. Patent No. 7,237,253) in view of LeGall (U.S. Patent No. 6,081,263).

9. Argument:

A. **Claims 14-17, 19, 76-79 and 81 are patentable over Blackketter (U.S. Patent No. 7,237,253).**

Claim 14 recites in part:

“receiving at a user device an indicator signal from an interactive television service provider's network, the indicator signal indicating availability of alternate content and containing data representing an indicator form;

determining, at the user device and independent of any request by a user of the user device for the alternate content, whether the indicator signal is relevant to a user viewing original content provided by the interactive television service provider's network;

responsive to determining that the indicator signal is not relevant to the user, filtering the indicator signal; and

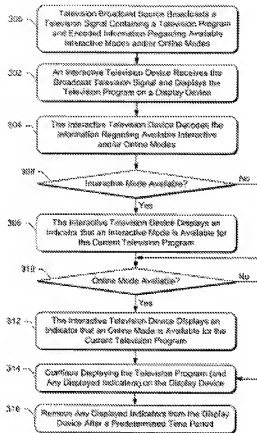
responsive to determining the indicator signal is relevant to the user, displaying on a screen an indication that the indicator signal has been received, the indication corresponding to the data representing the indicator form,

wherein subject matter of the alternate content is different from subject matter of the original content; and

wherein the determining is based at least in part on one of the following: a content type selected by the user; and a genre selected by the user.” [emphasis added]

In claim 14 an indicator signal is received that indicates the availability of alternate content. The method determines whether or not the alternate content is relevant to the user. If the alternate content is relevant, an indicator is displayed. If however, the alternate content is not relevant, an indicator is instead filtered, so for example, the user is not bothered by indicators being displayed that are not relevant to the user.

In setting forth the basis for the rejection, the Examiner points to steps 302-310 in Figure 9 for determining an interactive or online mode based on the received television program. Figure 9 is shown below.



*Fig. 9*

Blackletter's description of FIG. 9 includes the following:

FIG. 9 is a flow diagram illustrating a procedure for displaying indicators that an interactive mode and/or an online mode is available. A television broadcast source (such as source 112 in FIG. 1) broadcasts a television signal containing a television program and encoded information regarding available interactive modes and/or online modes (step 300). An interactive television device (such as device 108 in FIG. 1) receives the broadcast television signal and displays the television program on a display device (step 302). The interactive television device decodes the information regarding available interactive and/or online modes (step 304). Additionally, the interactive television device decodes information regarding a web site or network address for accessing the interactive data.



The procedure then determines whether an interactive mode is available (step 306). If an interactive mode is not available, then the procedure branches to a step that determines whether an online mode is available. If an interactive mode is available, the interactive television device displays an indicator that an interactive mode is available for the current television program (step 308). This indicator may be any one or more of the title 260, the icon 262, or the "Go Interactive" button 264 shown in FIG. 4.

The procedure next determines whether an online mode is available (step 310). If an online mode is not available, then the procedure branches to step 314 without displaying an online mode indicator. If an online mode is available, the interactive television device displays an indicator that an online mode is available for the current television program (step 312). This indicator may be, for example, any one or more of the title 290, the icon 292, or the "Go to Web Page" button 294 shown in FIG. 7. The procedure continues displaying the television program (and any displayed indicators) on the display device (step 314). After a predetermined time period, such as fifteen seconds, any displayed indicators are removed from the display device (step 316). Removing any indicators after a particular time period avoids creating a distraction to a viewer that is not interested in activating an interactive mode or an online mode.

In summary:

1. In Step 300, Blacketter encodes a broadcast with information to indicate if either an interactive mode is available or an online mode is available or both.
2. In step 304, the television device decodes the information relating to the availability of both interactive and online modes.
3. In step 306 and the device determines if the interactive mode is available. If the interactive mode is available, an indicator is displayed as shown in step 308. If the interactive mode is not available, the displaying step 308 is skipped.
5. In step 310 and the device determines if the online mode is available. If the online mode is available, an indicator is displayed as shown in step 312. If the online mode is not available, the displaying step 312 is skipped.

The following table summarizes further the results of Blackketter's method;

Encoded Indication	Displayed Results
Interactive mode available	Interactive mode indicator displayed
Online mode available	Online mode indicator displayed
Interactive mode <u>not</u> available	Interactive mode indicator <u>not</u> displayed
Online mode available	Online mode indicator displayed
Interactive mode available	Interactive mode indicator displayed
Online mode <u>not</u> available	Online mode indicator <u>not</u> displayed
Interactive mode <u>not</u> available	Interactive mode indicator <u>not</u> displayed
Online mode <u>not</u> available	Online mode indicator <u>not</u> displayed

**1. Blackketter never determines whether available alternate content is relevant to a user, and responsive to such a determination, displays an indicator.**

To determine whether or not to display an indicator, Blackketter only determines whether on not interactive content or online content is available. Blackketter does not determine whether available content is relevant to the user. Blackketter has no way of knowing what is or is not relevant to the user. Blackketter only knows what is available -- based on information from the network, not from the user.

**2. Blackketter never filters an indication of availability. An indication of availability is always displayed whether available alternate content is relevant to a user.**

There is never a case where an indicator signal indicates the availability of alternative content and the corresponding indicator is not displayed. If the interactive mode is available, Blackketter's television signal includes encoded information that indicates the availability of the interactive mode. Blackketter's television device receives

the encoded information and decodes it to indicate the interactive mode is available. An indicator is then displayed.

If the interactive mode is not available, Blackketter's television signal includes encoded information that indicates the unavailability of the interactive mode. Blackketter's television device receives the encoded information and decodes it to indicate the interactive mode is unavailable. An indicator is not displayed.

Blackketter's television device never receives encoded information indicating the availability of an interactive mode, decodes it and then filters it – e.g., to not display an indicator. If the interactive mode is available for a particular broadcast, an indicator is displayed. The same is true for the online mode. Blackketter's television device never receives encoded information indicating the availability of an online mode, decodes it and then filters it – e.g., to not display an indicator. If the online mode is available for a particular broadcast, an indicator is displayed.

For each of these reasons, claim 14, and claims 15-17, and 19 that depend therefrom, are patentably distinct from the prior art.

Claim 76 recites in part:

receive, at a user device, an indicator signal from an interactive television service provider's network, the indicator signal indicating availability and a location of alternate content and containing data representing an indicator form;

determine, at the user device, and independent of any request by a user of the user device for the alternate content, whether the indicator signal is relevant to the user viewing original content provided by the interactive television service provider's network;

responsive to determining that the indicator signal is not relevant to the user, filtering the indicator signal; and

responsive to determining the indicator signal is relevant to the user, display on a screen of the user device an indication that the indicator

signal has been received, the indication corresponding to the data representing the indicator form;

As discussed above in conjunction with Claim 14, Blackketter only determines whether on not interactive content or online content is available. Blackketter does not determine whether available content is relevant to the user. Blackketter has no way of knowing what is or is not relevant to the user. Blackketter only knows what is available -- based on information from the network, not from the user.

In addition, there is never a case where an indicator signal indicates the availability of alternative content and the corresponding indicator is not displayed. If the interactive mode is available, Blackketter's television signal includes encoded information that indicates the availability of the interactive mode. Blackketter's television device receives the encoded information and decodes it to indicate the interactive mode is available. An indicator is then displayed.

For similar reasons as set forth in the discussion of claim 14, claim 76, and 77-79 and 81 that depend therefrom, are patentably distinct from the prior art.

**B. Claims 45-48 and 50 were rejected under 35 USC § 103 (a) as being unpatentable over Blackketter (U.S. Patent No. 7,237,253) in view of Field (U.S. Patent No. 6,018,764).**

Claim 45 recites in part:

a tuner, receiver, and demodulator portion and a demultiplexor portion to receive an indicator signal from an interactive television service provider's network, the indicator signal indicating availability and a location of alternate content and containing data representing an indicator form; and

a processor coupled to the demultiplexor portion to determine whether the indicator signal is relevant to a user viewing original content over a channel provided by the interactive television service provider's network, responsive to determining that the indicator signal is not relevant to the user, filtering the indicator signal, and responsive to determining the

indicator signal is relevant to the user, displaying on a screen of the user device an indication that the indicator signal has been received, the indication corresponding to the data representing the indicator form;

As discussed above in conjunction with Claim 14, Blackketter only determines whether on not interactive content or online content is available. Blackketter does not determine whether available content is relevant to the user. Blackketter has no way of knowing what is or is not relevant to the user. Blackketter only knows what is available -- based on information from the network, not from the user.

In addition, there is never a case where an indicator signal indicates the availability of alternative content and the corresponding indicator is not displayed. If the interactive mode is available, Blackketter's television signal includes encoded information that indicates the availability of the interactive mode. Blackketter's television device receives the encoded information and decodes it to indicate the interactive mode is available. An indicator is then displayed.

These deficiencies of Blackketter are not corrected by their combination with Field. For similar reasons as set forth in the discussion of claim 14, claim 45 and 46-48 and 50 that depend therefrom are patentably distinct from the prior art.

**C. Claims 18, 49 and 80 were rejected under 35 USC § 103 (a) as being unpatentable over Blackketter (U.S. Patent No. 7,237,253) in view of LeGall (U.S. Patent No. 6,081,263).**

The deficiencies of Blackketter discussed above are not corrected by their combination with LeGall. Based on their dependency from claims 14, 45 and 76, claims 18, 45 and 76, are patentably distinct from the prior art.

Based on the foregoing arguments, the applicant respectfully requests that the Board of Appeals pass claims 14-19, 45-50 and 76-80 to allowance.

RESPECTFULLY SUBMITTED,

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Claim Appendix:

1-13. (canceled)

14. (previously presented) A method comprising:

receiving at a user device an indicator signal from an interactive television service provider's network, the indicator signal indicating availability of alternate content and containing data representing an indicator form;

determining, at the user device and independent of any request by a user of the user device for the alternate content, whether the indicator signal is relevant to user viewing original content provided by the interactive television service provider's network;

responsive to determining that the indicator signal is not relevant to the user, filtering the indicator signal; and

responsive to determining the indicator signal is relevant to the user, displaying on a screen of the user device an indication that the indicator signal has been received, the indication corresponding to the data representing the indicator form;

wherein subject matter of the alternate content is different from subject matter of the original content; and

wherein the determining is based at least in part on one of the following: a content type selected by the user; and a genre selected by the user.

15. (previously presented) The method of claim 14, wherein the data representing the indicator form indicates one of a plurality of possible indicator forms.

16. (previously presented) The method of claim 14, wherein the data representing the indicator form comprises a graphic.

17. (previously presented) The method of claim 16, wherein the graphic is displayed on the screen as the indication that the indicator signal has been received.

18. (original) The method of claim 17, wherein the graphic is pre-selected by the user.

19. (previously presented) The method of claim 17, wherein the graphic is included in the indicator signal.

20 - 44. (canceled)



45. (previously presented) A user device for use in receiving content from an interactive television provider's network comprising:

a tuner, receiver, and demodulator portion and a demultiplexor portion to receive an indicator signal from an interactive television service provider's network, the indicator signal indicating availability and a location of alternate content and containing data representing an indicator form; and

a processor coupled to the demultiplexor portion to determine whether the indicator signal is relevant to a user viewing original content over a channel provided by the interactive television service provider's network, responsive to determining that the indicator signal is not relevant to the user, filtering the indicator signal, and responsive to determining the indicator signal is relevant to the user, displaying on a screen of the user device an indication that the indicator signal has been received, the indication corresponding to the data representing the indicator form;

wherein the determining is independent of any request by the user for the alternate content;

wherein subject matter of the alternate content is different from subject matter of the original content; and

wherein the determining is based at least in part on one of the following: a content type selected by the user and a genre selected by the user.

46. (previously presented) The user device of claim 45, wherein the data representing the indicator form indicates one of a plurality of possible indicator forms.

47. (previously presented) The user device of claim 45, wherein the data representing the indicator form comprises a graphic.

48. (previously presented) The user device of claim 47, wherein the graphic is displayed on the screen as the indication that the indicator signal has been received.

49. (previously presented) The user device of claim 48, wherein the graphic is pre-selected by the user.

50. (previously presented) The user device of claim 48, wherein the graphic is included in the indicator signal.

51-75. (canceled)

76. (previously presented) A machine-readable medium having stored thereon a series of instructions, the instructions, when executed by a processor, cause the processor to:

receive, at a user device, an indicator signal from an interactive television service provider's network, the indicator signal indicating availability and a location of alternate content and containing data representing an indicator form;

determine, at the user device, and independent of any request by a user of the user device for the alternate content, whether the indicator signal is relevant to the user viewing original content provided by the interactive television service provider's network;

responsive to determining that the indicator signal is not relevant to the user, filtering the indicator signal; and

responsive to determining the indicator signal is relevant to the user, display on a screen of the user device an indication that the indicator signal has been received, the indication corresponding to the data representing the indicator form;

wherein subject matter of the alternate content is different from subject matter of the original content; and

wherein the determining is based at least in part on one of the following: a content type selected by the user and a genre selected by the user.

77. (previously presented) The machine-readable medium of claim 76, wherein the data representing the indicator form indicates one of a plurality of possible indicator forms.

78. (previously presented) The machine-readable medium of claim 76, wherein the data representing the indicator form comprises a graphic.

79. (previously presented) The machine-readable medium of claim 78, wherein the graphic is displayed on the screen as the indication that the indicator signal has been received.

80. (original) The machine-readable medium of claim 79, wherein the graphic is pre-selected by the user.

81-93. (canceled)

### Evidentiary Appendix

No additional evidence is being submitted with this brief.

#### Related Proceedings Appendix

There are no other proceedings regarding the present patent application.